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PATENT

Attorney Docket No. 228 P002

Customer No. 30358

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re U.S. Patent Application of:

Dwight J. Smith

Examiner: Elkins, Gary E.

Application No.: 10/647,763

Confirmation No.: 2787

Art Unit: 3727

Filing Date: August 25, 2003

For: FOOD AND BEVERAGE TRAY

AMENDMENT TRANSMITTAL

MS AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith is an Amendment in the above-identified Application. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. No new claims have been added. No new subject matter has been added.

A credit card payment form for payment in the amount of \$1,080.00 is included herewith as payment for a five (5) month extension of time, and petition for the same is hereby made. Applicants believes that no further fee is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for an additional petition for extension of time or other fee.

The Commissioner is hereby authorized to charge any deficiencies in these fees to Deposit Account No. 502062. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: August 18, 2005

By:

Marc D. Machtinger, Reg. No. 43,434

Law Office of Marc D. Machtinger, Ltd.

Phone: (847) 537-3537 Customer No. 30358

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 18, 2005

Margaret A. Swindal